

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 04/2021)

United States Courts
Southern District of Texas
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE Eastern DISTRICT OF TEXAS
Houston DIVISION

JUL 07 2023

Nathan Ochsner, Clerk of Court

Tyrell Montrell Cane
Plaintiff's Name and ID Number
Harris County Sheriff's office Jail
1200 Baker St Houston, TX 77002
Place of Confinement

CASE NO. _____
(Clerk will assign the number)

v.

Houston Police Department
Defendant's Name and Address

J Guzman (officer)
Defendant's Name and Address

Defendant's Name and Address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.

2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.

3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.

4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND IN FORMA PAUPERIS (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$52.00 for a total fee of \$402.00.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$52.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 2015
2. Parties to previous lawsuit:
Plaintiff(s) Tyrrell M. Cane
Defendant(s) Beaumont P D
3. Court: (If federal, name the district; if state, name the county.) Jefferson County
4. Cause number: Civil Action NO 1:15-CV-107
5. Name of judge to whom case was assigned: ~~Atter~~ Zack Hawthorn
6. Disposition: (Was the case dismissed, appealed, still pending?) dismissed
7. Approximate date of disposition: December 3 2015

II. PLACE OF PRESENT CONFINEMENT: Jefferson County Jail

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? ☒ YES ☐ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Tyrell Montreal Cane
Harris County Sheriff's office Jail 1200 Baker St
Houston Texas 77002

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Houston Police Department

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #2: Officer J Guzman
Houston Police Department

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #3: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

On or about 5-30-2023 as I was on my way to get me something to eat I was followed, stalked, racially profiled, unlawfully detained and arrested without cause, kidnapped, harassed and violated by Officer J Gozman a Houston police Department officer. I had not committed a crime nor was the police called and I was arrested on Greens Rd at the shell station at the cash register after I had paid for my drink in front of everybody for no reason other than being black. The charge was dismissed.

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

This officer violated my civil rights and he broke the law. I want him punished to the fullest under the law. And I want everything that I'm entitled to.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Tyrell Montrel Cane, Shawn M Hicks

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

02309964, 02330900 I don't know the others

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES ☐ NO ☒

C. Has any court ever warned or notified you that sanctions could be imposed?

☒ YES ☐ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): Eastern
2. Case number: NO 15-CV-107
3. Approximate date warning was issued: N/A

Executed on: 7-2-2023
DATE

Tyrell M Cane

(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this Tyrell Cane day of 6-2, 20 23.
(Day) (month) (year)

Tyrell M Cane

(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

JUL 07 2023

Nathan Ochsner, Clerk of Court

Memorandum of Law

On or about the day of 5-30-2023 as I walked out of my room at the Monte Carlo Motel room I noticed a H. P. D. patrol Cruiser sitting outside the rooms in a nearby shopping centers parking lot facing the rooms. Note from the rooms you have to pass thru this lot in order to go to the stores. On my way to the store I began to notice the patrol car start to follow me. I had done nothing wrong so I thought nothing of it. I went in the Exxon on Greens Rd and when I came out I noticed that same patrol car was right outside the door. I work about two blocks up Greens Rd at the shell station for the owner. As I walked past the patrol car I noticed the officer inside just staring at me. I proceeded to walk up Greens Rd to my place of employment and as I walked I begin to notice the patrol car was following me. Well as I made it to the shell I was a little

②
early to start my job which is picking up trash emptying all cans in an outside the store. I noticed that same patrol car was sitting at one of our gas pumps just watching me. He sat there for 20 to 30 minutes just watching me. I went ~~into~~ inside the store cause it was getting close to the time for me to start work so I went inside the store to get something to drink. I got my drinks 1/2 off and as I gave the new clerk my money for my drink I was ~~being~~ ambushed from behind and jacked up on the counter and placed in handcuffs by this same officer none as J-Guzman. In front of everybody for no reason. He then told me I was not under arrest but under investigation he then threw me in back of his patrol car for no reason. He then asked my name but I committed no crime and no one called and I no my rights so I didn't give my name cause by law if a crime was not committed and

3
no one made a call I don't
have to identify to an unlawful
arrest note I was hand cuffed
in back of a patrol car under
arrest for no reason and
with no probable cause!!!
He kept me inside that patrol car
in the heat for nearly 40 minutes
he then tried to give me a trustpass
warning with I refused to sign
he then tried to get the store clerk
to give me a trustpass with he told
the officer no and that I wasn't
the problem and that I work for
the owner. He then came back and
proceeded to just drive off and kidnapp
me until I told him the kw and
asked for his supervisor. So we waited
another 20 to 30 minutes. Note
I was taken in for failure to
I.D. The charges were dropped
my rights were violated point Blank

Tyrell
Carr

HARRIS COUNTY SHERIFF'S OFFICE JAIL

Name Tyrell Montrel Cane Cell 5 C1-#6
SPN 02309964
Street 1200 Baker St
HOUSTON, TEXAS 77002



INDIGENT

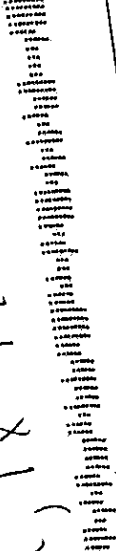
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David J. Bradley
Clerk of Court
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